

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Nissenbaum, Ducksoo Kim
& Andy H. Levine
Serial No. : to be provided
Filed : herewith
For : "DEVICES, SYSTEMS AND METHODS FOR
CREATING SUTURELESS ON-DEMAND VASCULAR
ANASTOMOSES AND HOLLOW ORGAN
COMMUNICATION CHANNELS"
Attorney's Docket No. : HTC-002

WRITTEN ASSERTION OF SMALL ENTITY STATUS
PURSUANT TO 37 C.F.R. 1.27

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

Pursuant to the provisions of 37 C.F.R. 1.27 as amended
and effective September 8, 2000 and in accordance with Section
1.27(c) in particular, the above-identified applicants hereby
formally present and file their written assertion of entitlement
to Small Entity status.

Respectfully submitted,

MICHAEL NISSENBAUM
DUCKSOO KIM
ANDY H. LEVINE

Date: Nov. 15, 2000
P.O. Box 5387
Magnolia, Massachusetts 01930
Tel.: (978) 525-3794

By: David Prashker
David Prashker
Reg. No. 29,693
Attorney for applicants

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Attorney's Docket No. HTC-002

DECLARATION AND POWER OF ATTORNEY

As the below named inventor(s), I/we hereby declare that:

The residence, mailing address and citizenship are as stated below next to the name(s).

I believe I am the original, first and sole inventor (if only one name is listed below) or we believe that we are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "DEVICES, SYSTEMS AND METHODS FOR CREATING ON-DEMAND VASCULAR ANASTOMOSES AND HOLLOW ORGAN COMMUNICATION CHANNELS", the specification of which:

_____ is attached hereto; or
_____XXXX was filed on November 15, 2000 as United States
Application Serial No. 09/213,589; or
_____ was filed on _____ as PCT International
Application No. _____ and was amended on _____.

I/We hereby state that I/We have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I/We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 35 U.S.C. 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority claimed

(Number) (Country) (Day/month/year/filed) NONE Yes-- No--

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*****_

XXXX We hereby claim the benefit under 35 U.S.C. 119(e) of any
United States Provisional Patent Application(s) listed below:

Application No. 60/169,874 filed on December 9, 1999

I hereby claim the benefit under 35 U.S.C. 120 of any United
States application(s), or 365(c) of any PCT international
application designating the United States of America, listed
below and, insofar as the subject matter of each of the claims
of this application is not disclosed in the prior United States
or PCT international application(s) in the manner provided by
the first paragraph of 35 U.S.C. 112, I acknowledge the duty
to disclose information which is material to patentability as
defined in 37 C.F.R. 156 which occurred between the filing date
of the prior application(s) and the national or PCT international
filing date of this application:

.....NONE.....
(Application Serial No.) (Filing Date) (Status)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the
following attorney to prosecute this application and transact
all business in the Patent and Trademark Office connected
therewith; and, in addition, to act as Agent on my behalf before
the competent International Authorities and before the National
Authorities for any designated countries in connection with
any and all international applications filed or to be filed
by the undersigned.

David Prashker
Registration Number 29,693

SEND CORRESPONDENCE TO:

David Prashker, P.C.
P.O. Box 5387
Magnolia, Massachusetts
01930

*

* DIRECT TELEPHONE CALLS TO:

*

* David Prashker, Esq.
* (978) 525-3794

*

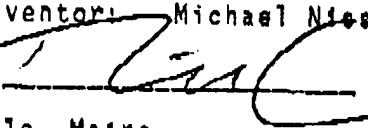
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like as made are punishable by imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor: Michael Niesenbaum

Inventor's signature: 

Date: 17 July 01

Residence: Frenchville, Maine

Citizenship: U.S.

Mailing Address: 15 Starbarn Avenue
Frenchville, Maine 04745

Full name of second inventor: Ducksoo Kim

Inventor's signature: _____

Date: _____

Residence: Dover, Massachusetts

Citizenship: U.S.

Mailing Address: 9 Cedarhill Road
Dover, Massachusetts 02030

Full name of third inventor: Andy H. Levine

Inventor's signature: _____

Date: _____

Residence: Newton Centre, Massachusetts

Citizenship: U.S.

Mailing Address: 16 Daniel Street
Newton Centre, Massachusetts 02459

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor: Michael Nissenbaum

Inventor's signature: _____ Date: _____

Residence: Frenchville, Maine Citizenship: U.S.

Mailing Address: 15 Starbarn Avenue
Frenchville, Maine 04745

Full name of second inventor: Ducksoo Kim

Inventor's signature: Ducksoo Kim Date: 7/19/01

Residence: Dover, Massachusetts Citizenship: U.S.

Mailing Address: 9 Cedarhill Road
Dover, Massachusetts 02030

Full name of third inventor: Andy H. Levine

Inventor's signature: _____ Date: _____

Residence: Newton Centre, Massachusetts Citizenship: U.S.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor: Michael Nissenbaum

Inventor's signature: _____ Date: _____

Residence: Frenchville, Maine Citizenship: U.S.

Mailing Address: 15 Starbarn Avenue
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Full name of second inventor: Ducksoo Kim

Inventor's signature: _____ Date: _____

Residence: Dover, Massachusetts Citizenship: U.S.

Mailing Address: 9 Cedarhill Road
Dover, Massachusetts 02030

Full name of third inventor: Andy M. Levine

Inventor's signature:  Date: 7-17-01

Residence: Newton Centre, Massachusetts Citizenship: U.S.

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